

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

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STEPHEN C. DRIES
CLERK

Francis-Burns: Tate
c/o 4512 S. Drexel Blvd.
Chicago, Illinois Republic

FRANCIS BURNS TATE, IN PRO PER

IN THE UNITED STATES DISTRICT COURT FOR THE COUNTY OF
MILWAUKEE
STATE OF WISCONSIN, CIVIL DIVISION

STATE OF WISCONSIN

Plaintiff,

vs.

FRANCIS BURNS TATE

Defendant in Error,

Case No.: 18-CV-1290

Demand for Dismissal for Lack of
Standing.

DEMAND FOR DISMISSAL

NOW COMES the CORPORATE FICTION, FRANCIS BURNS TATE, alleged
DEFENDANT in error, by special appearance without submitting to the Court's
jurisdiction and hereby moves this Court to dismiss / strike the citation(s) filed by
UNITED STATES OF AMERICA for lack of ratification of commencement, no
corpus delecti, no plaintiff, and, thereby, a lack of subject matter jurisdiction. The
grounds for dismissal are set forth below.

Respectfully submitted,

FRANCIS BURNS TATE

FRANCIS BURNS TATE, Defendant in Error

By: Tab: Francis Burns Dated: 02/13/2019
(authorized representative)

JURA

MEMORANDUM OF POINTS AND AUTHORITIES

1. Objection for Lack of Ratification of Commencement. There is no claim.

a) FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.),

RULE 17(a) - Real Parties in Interest:

“(1) Designation in General - An action must be prosecuted in the name of the real party in interest. The following may sue in their own names without joining the person for whose benefit the action is brought: An (a) executor, (b) an administrator, (c) a guardian, (d) a bailee, (e) a trustee of an express trust, (f) a party with whom or in whose name a contract has been made for the benefit of another, or (g) a party authorized by stature.

(2) Action in the Name of the United States for Another’s Use or Benefit –When a federal statute so provides, an action for another’s use or benefit must be brought in the name of the United States.

(3) Joinder of the Real Party in Interest - The court may not dismiss an action for failure to prosecute in the name of the real party in interest until, after an objection, a reasonable time has been allowed for the real party in interest to ratify, join, or be substituted into the action. After ratification, joinder, or substitution, the action proceeds as if it had been originally commenced by the real party in interest.” (emphasis added)

b) FEDERAL RULES OF CIVIL PROCEDURE (F.R.C.P.), RULE 2:

“There is one form of action – the civil action.”

There is neither an injured party nor trespass in the above-mentioned matter, and unless verifiable evidence to the contrary can be presented by the prosecution, none such exists, and, therefore, the matter must be dismissed. As all crimes are commercial (27 CFR § 72.11), and every alleged crime has to have “nature and cause” and must be prosecuted in the name of the people of the state.

2. There is no *corpus delecti*.

While this alleged offense or infraction may constitute a violation of state statute, it was not a crime. As my limited understanding permits, this is a criminal matter. Notwithstanding, proof of the *corpus delecti* is required in all criminal matters as shown in the following case law:

3. There is no plaintiff.

This is an adversarial proceeding, and as it is to the alleged DEFENDANT’s limited understanding, adversarial proceedings require real adversaries as supported by the following case law:

- Jor A
4. Lack of evidence that the alleged DEFENDANT was operating a "vessel" in commerce.

GENERAL RESERVATION OF RIGHTS

OF Francis-Burns: Burns

Please be advised that My use of the phrase, "All Rights Reserved without Prejudice", below My autograph on this document means the following:

(1) THAT I explicitly reject any and all benefits of the Uniform Commercial Code absent a valid commercial agreement which is in force and to which I am a party, and citing its provisions herein is only to serve notice upon ALL agencies of government, whether international, national, state or local, that they (and not I) are subject to, and bound by, all of its provisions whether cited herein or not;

(2) THAT My explicit reservation of Rights has served notice upon ALL agencies of government of the remedy which they must provide for Me under Article 1, Section 308 (formerly § 1- 207) of the Uniform Commercial Code whereby I have explicitly reserved My Common Law Right not to be compelled to perform under any contract or commercial agreement that I have not entered into knowingly, voluntarily, and intentionally;

(3) THAT My explicit reservation of Rights has served notice upon ALL agencies of government that they are ALL limited to proceedings against Me only in harmony with the Common Law and that I do not (and will not) accept the liability associated with the compelled benefits of any unrevealed commercial agreements; and

(4) THAT My valid reservation of Rights has preserved all of My Rights and prevented the loss of any such Rights by application of the concepts of waiver or estoppel.

CONCLUSION

It is reasonable to assume that these judicial decisions are straight and to the point that there is no lawful method for government to put restrictions or limitations on rights belonging to the people. The act is, indeed, converting a right into a crime.

A corporate entity, whether it be a city, state, or of the U.S. Government, cannot

testify as an injured party and, thus, cannot be cross-examined as an individual one can speak for a corporation but cannot be an injured party.

If the alleged DEFENDANT is to be subject to the alleged "criminal acts", it is concluded that no law was, in fact, broken.

Because there is no ratification of commencement and no plaintiff, the Court lacks *personam* jurisdiction. Further, without a verifiable *corpus delecti*, there is no justiciable controversy or cause of action before the Court. For these reasons, the Court is instructed to strike or to dismiss this case that was filed against the alleged DEFENDANT with prejudice.

Respectfully submitted with all rights reserved,

FRANCIS BURNS TATE Dated: 02/13/2019
FRANCIS BURNS TATE, Defendant in Error
In Pro Per,

By:

Francis Burns Tate

(authorized representative), *sui juris*

Without the UNITED STATES

Wisconsin, the Land, uSA

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